

DENVER WATER

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December 10, 2004

Victor Ketellapper
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USEPA Region VIII
999 18th St., Suite 300 (8EFR-SR)
Denver, CO 80202

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EPA, REGION VIII
SUPERFUND BRANCH

Re: VB-I70 Superfund sites and Denver Water's rules

Hello Victor,

This letter is a summary of the work done on the VB-I70 Superfund sites that were impacted by Denver Water's drought surcharge and/or our water restrictions, and also some information about our policies for the future.

We realize there were various levels of confusion among our customers, your contractors, our employees and perhaps even our two agencies regarding the drought rules for 2003 and 2004. While we sincerely hope the drought is over, it's too soon to tell. Most of the problems we both faced can be overcome with advance preparation, and that's the basis for my letter. In case we are facing drought again, I want to lay some groundwork for the possibility of our working on Superfund projects during a future drought.

One of the problems of 2004 was improper use of the irrigation permits by some of the customers who had landscapes replaced by your contractor. Other problems resulted from drought surcharges levied on these customers, and the customers claiming they were exempt from the surcharges which they were not.

As you may know, our board has enacted the "No watering between 10 AM and 6 PM" rule as a permanent conservation measure. It is no longer just a drought rule. Therefore, if there are sites that must be relandscaped during a drought, we need your cooperation in setting and enforcing some policies about the installing and irrigating landscapes.

First, we want to handle the permit process to water outside these rules in a different way. If property owners are to get new landscapes in the spring and fall, these owners will need to get a permit from us on which we will print the property address and the dates (3 weeks for new sod) during which they can water sod between 10 AM and 6 PM. There will be no generic permits for any reason.

Second, because we know it takes much more water to establish sod or seed in the heat of the summer, we will not be allowing any new installations of sod or seed during July and

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August for any reason during a drought. You will need to make your contractors aware of this so they do not assume they can install new sod by claiming ignorance of this policy.

Last, we need to receive from you or your contractors a list of every property address that is to receive new landscape. We need this list at least monthly. We will be inspecting the properties on the list as well as others in the surrounding area to be sure people are complying with the specifications of their permits and that others are complying with our Operating Rules.

Please call me 303-628-6325 to set a time to discuss how we can best document our agreement on these items or figure out an even better solution to the problems of the past couple years.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth V. Gardener", with a long horizontal flourish extending to the right.

Elizabeth V. Gardener
Manager of Water Conservation